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EXAMINER

FETZNER, TIFFANY A

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/631,226

Applicant(s)

CHIODO, CHRIS D.

Examiner

Tiffany A. Fetzner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

A) In **Figure 3**, component **61** is **shown but not referred to** in applicant's specification.

A) In **Figure 9**, component **87** is **shown but not referred to** in applicant's specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

2. **Claim 1** is objected to for minor informalities:

A) In **claim 5 line 1** delete "predetermining" and insert "predetermined", to correct a grammatical error.

B) In **claim 1 line 10** delete the "and" before the word "insertable" and insert "with the spacer member also being", so that the claim makes grammatical sense.

3. **Claims 11-15** are objected to for **improper claim dependency**,

A) **Claim 11** depends from **claim 11**, which is improper since **a claim cannot depend from itself**,

B) **Claim 12** depends from **claim 12**, which is improper since **a claim cannot depend from itself**,

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C) **Claims 13-15** each depend from **claim 12** but because **claim 12** depends from itself these claims also have an effectively improper claim dependency.

4. The examiner suggests that **claim 11** was meant to depend from **claim 10**, and that **claim 12** was also meant to depend from **claim 10**; therefore in the rejections below **claim 12** is being examined, by the examiner as if it were dependent from **claim 10**; and **claim 11** is being examined, by the examiner as if it were dependent from **claim 10**. Appropriate correction is required.

5. **Claims 1-21** also **objected** as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Applicant's terminology in **claims 1-21** is excessively broad. As evidenced by the numerous prior arts made of record and cited on the attached PTO 948 form, the rejection of **claims 1-21** under **35 USC 102 (b)** using a first interpretation of the **Mastandrea, Jr. et al., patent** and then the exemplary additional rejections of claims 1-4, where additional interpretations of the same recited claim features, are also met by defining the provided components of the same applied **Mastandrea, Jr. et al., patent** in a completely different way, than they were defined in the first complete set of rejections. A complete second set of rejections with the same reference is not being provided, because the examiner is simply showing how "overly broad" the terms "support member", "locator member", and "spacer member" and "front member" are among others.

7. Based just on the provided claim terminology alone, there are multiple thousands of prior arts, which will meet the recited components, in numerous art areas. Because of the excessive amount of prior art, the examiner has endeavored to apply the most comprehensive art in view of, what the examiner is guessing to be applicant's specific area of endeavor based on the specification, and the abstract. (i.e. that the key area of applicant's invention is supposed to relate to a centrally positioned magnetic resonance imaging, insertable / removable gradient coil assembly, positioned about a subject). However, the examiner cannot read limitations from the specification into the claims, and none of applicant's claims include any specifics relating to this specification only

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disclosed concept. The main disclosed novelties of applicant's originally filed abstract are missing from the currently pending claims.

8. The examiner notes that the structure and components shown in applicant's figures is entirely different than the structure disclosed by the **Mastandrea, Jr. et al., patent** but without more specifics, the structure of the **Mastandrea, Jr. et al., patent meets and reads on** all of the currently recited limitations of applicant's pending claims.

9. Applicant is encouraged to contact the examiner, if applicant believes a telephonic interview would be assistive to applicant, so that the features which distinguish the structural components of applicant's invention, and clarify the scope of the invention, may be set forth within applicant's claims in a more concise and more lucid manner to one of ordinary skill in the art.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-21** are rejected under **35 U.S.C. 102(b)** as being anticipated by **Mastandrea, Jr. et al.**, US patent 5,783,943 issued July 21<sup>st</sup> 1998.

12. With respect to **Claim 1, Mastandrea, Jr. et al.**, teaches and shows "A positioning assembly" (i.e. a trolley cage 58 which selectively positions an insert gradient coil 56 along a patient beam 38 of a magnetic resonance apparatus) "for use with a magnetic imaging magnet having a magnet bore", [See abstract, figures 1-6; col. 1 line 4 through col. 8 line 56.] "comprising: a first mounting member (i.e. lower trolley cage assembly 62) mountable relative to the magnetic imaging magnet " [See figures 3 and 4; abstract; col. 3 line 42 through col. 6 line 53.] "in a fixed position;" [See col. 4 lines 28 through col. 8 line 57.] "a locator member" (i.e. the pneumatic latching mechanisms 92) which are "rigidly spaced "a predetermined ing-distance from said mounting member" (i.e. lower trolley cage assembly 62) The examiner notes that locator member (i.e. the pneumatic latching mechanisms 92) are shown in figures 3, 4,

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and 6 as being located at a "predetermined distance from said mounting member" (i.e. lower trolley cage assembly 62).

13. Additionally, **Mastandrea, Jr. et al.**, teaches and shows that the locator member (i.e. the pneumatic latching mechanisms 92) is "insertable within said magnet bore;" [See abstract, col. 4 line 18 through col. 8 line 57.] "a spacer member" (i.e. one of the centering hoops 86 which each include a guide member or key 91 which extends downward into track 42 when the insert gradient coil assembly is properly positioned on the patient beam 38) which is shown in figures 3 and 4 as being "rigidly spaced a predetermined distance from said mounting member" (i.e. lower trolley cage assembly 62), with the spacer member (i.e. one of the centering hoops 86 which each include a guide member or key 91 which extends downward into track 42 when the insert gradient coil assembly is properly positioned on the patient beam 38) also being insertable within said bore", [See figures 1, 3, 4, and 6; col. 4 line 65 through col. 8 line 57.] "said spacer member" (i.e. one of the centering hoops 86) "having a keyed surface portion;" (i.e. see guide member or key component 91 of figures 3 and 4). [See col. 4 lines 2-8; col. 5 lines 22-27] "and a second mounting member (i.e. patient couch 44, comprising: cushion 50; base portion 46, having a guide or key member 48 which is constrained within the track 42; and coupler 52, which selectively couples to or engages with an insert gradient coils assembly 54. [The insert gradient coil assembly comprises: insert gradient coil 56, trolley cage 58 the upper trolley cage assembly 60, and the lower trolley cage assembly 62.]) Key member 48 and track member 42 cooperate to permit movement of the patient couch along the z-axis and prevent motion of the patient couch along the x-axis. Patient couch 44 is also slidably secured to patient beam 38. [See col. 3 line 42 through col. 4 line 37; figures 1, 2, 3, 4, and 6] **Mastandrea, Jr. et al.**, also teaches that the patient couch 44 "has a keyed surface portion" (i.e. key member 48 and track 42) "engageable with said keyed surface portion of said spacer member" (i.e. key member 91 which also engages track 42, of the centering hoop 86 spacer member. [See col. 4 lines 1-47 through col. 5 lines 12-37.]

14. With respect to **Claim 2**, **Mastandrea, Jr. et al.**, teaches and shows that "said first mounting member" (i.e. lower trolley cage assembly 62) "comprises a flange" (i.e.

flanged end portions 72; col. 4 lines 37-43; and col. 5 lines 28-37) "mountable to an external surface portion of said magnet" [See col. 3 lines 51-67 and col. 7 line 67 through col. 8 line 6) "and a plug portion" (i.e. spacer member centering hoop 86 is also representative of a "plug portion" contained within the lower trolley cage assembly 62, because it is slidably insertable within aperture 84, as a "spacer member" between components 76 and 78 of lower trolley cage assembly 62, and because component 86 is filling in aperture 84 within the "first mounting member" (i.e. lower trolley cage assembly 62) component 86 also represents a "plug portion which is "insertable within said magnet bore" [See abstract, figures 1 through 6 col. 2 line 18 through col. 8 line 56.] The same reasons for rejection, that apply to **claim 1** also apply to **claim 2** and need not be reiterated.

15. With respect to **Claim 3, Mastandrea, Jr. et al.**, teaches and shows that "said locator member" (i.e. the pneumatic latching mechanisms 92) "comprises an abutment surface portion" (i.e. latches 98, or 124) for engaging a gradient coil". [See figures 1, 3, 4, and 6; col. 5 line 28 through col. 8 line 15; and the abstract]. The same reasons for rejection, that apply to **claim 1** also apply to **claim 3** and need not be reiterated.

16. With respect to **Claim 4, Mastandrea, Jr. et al.**, shows from figures 1 and figure 2, that "said spacer member" (i.e. one of the centering hoops 86) also "comprises a plate"-like structure that is insertable within a gradient coil", because centering hoops 86 are themselves hemispherical arcuate shaped plate-like components, of a rectangular shaped width, that are insertable within the insertable gradient coil assembly, between the components 76 and 78 of the lower gradient coil assembly 62, via the set screws 102. [See figure 4, and the description of figure 4 concerning the shown components from col. 4 line 18 through col. 8 line 15]. The same reasons for rejection, that apply to **claim 1** also apply to **claim 4** and need not be reiterated.

17. With respect to **Claim 5, Mastandrea, Jr. et al.**, shows from figures 1 and figure 2, that "said second mounting member" (i.e. patient couch 44 with its associated components) "comprises a cap" because as shown in figures 1 and 2, patient couch component 44 "caps" the patient beam component 38, the patient table 36, the base component 46, the cushion component 50; "and is mountable to a probe magnet" [See

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figure 1; col. 3 line 23 through col. 8 line 57.] The same reasons for rejection, that apply to **claim 1** also apply to **claim 5** and need not be reiterated.

18. With respect to **Claim 6, Mastandrea, Jr. et al.**, shows from figures 3 and figure 4, "a plurality of front space members" (i.e. see figures 3 and 4 and the unlabeled structural components that vertically extend from and abut "component 62" and latching mechanisms comprising components 92, 94, and 98) "interconnecting said first mounting member" (i.e. lower trolley cage assembly 62) "and said locator member" (i.e. the pneumatic latching mechanisms 92). The same reasons for rejection, that apply to **claim 1** also apply to **claim 6** and need not be reiterated.

19. With respect to **Claim 7, Mastandrea, Jr. et al.**, shows from figure 4, "a plurality of inner spacer members" (i.e. the screws 102 inside the wells, of centering hoop 86) "interconnecting said locator member" (i.e. the pneumatic latching mechanisms 92 and its associated components 94, 96, 98, 120, 122, 124, 126, 128 col. 5 line 28 through col. 8 line 57) "and said spacer member (i.e. one of the centering hoops 86 which each include a guide member or key 91 which extends downward into track 42 when the insert gradient coil assembly is properly positioned on the patient beam 38). The same reasons for rejection, that apply to **claim 1** also apply to **claim 7** and need not be reiterated.

20. With respect to **Claim 8, Mastandrea, Jr. et al.**, shows from figures 3 and figure 4, "a pair of support rods" (i.e. [see component support rods 80 coupled to said first mounting member" (i.e. lower trolley cage assembly 62), "said locator member" (i.e. the pneumatic latching mechanisms 92 and its associated components 94, 96, 98, 120, 122, 124, 126, 128 col. 5 line 28 through col. 8 line 57) "and said spacer member" (i.e. one of the centering hoops 86 which each include a guide member or key 91 which extends downward into track 42 when the insert gradient coil assembly is properly positioned on the patient beam 38))). The same reasons for rejection, that apply to **claim 1** also apply to **claim 8** and need not be reiterated.

21. With respect to **Claim 9, Mastandrea, Jr. et al.**, shows "a specimen positioning assembly" (i.e. insertable gradient coil 56, see figures 1 and 3 where a patient is positioned with their head inside the insertable gradient coil 56, with their shoulders



positioned within the shoulder recess of the insertable coil 56 itself.) **Mastandrea, Jr. et al.**, teaches that that insertable gradient coil 56 is "removably mounted" [See col. 2 line 18 through col. 8 line 57] and **Mastandrea, Jr. et al.**, shows from figure 3 that the insertable gradient coil 56 is located "within said first mounting member" (i.e. lower trolley cage assembly 62), "and said locator member" (i.e. the pneumatic latching mechanisms 92 and its associated components 94, 96, 98, 120, 122, 124, 126, 128 col. 5 line 28 through col. 8 line 57). The same reasons for rejection, that apply to **claim 1** also apply to **claim 9** and need not be reiterated.

22. With respect to **Claim 10**, **Mastandrea, Jr. et al.**, teaches and shows "A positioning assembly" (i.e. an insertable gradient coil assembly 54 comprising a trolley cage 58 which selectively positions an insert gradient coil 56 along a patient beam 38 of a magnetic resonance apparatus) "mountable within the bore of an imaging apparatus having an axis", [See figures 1, 2, 3, 4, and col. 2 line 18 through col. 8 line 57] "comprising: a front mounting member;" (i.e. coupler 52) "an annular locator member" (i.e. trolley cage 58) "rigidly connected to said front mounting member;" (i.e. trolley cage 58 selectively but rigidly connects to coupler 52 by technician activation. [See col. 6 line 63 through 7 line 15; and col. 4 lines 1-27.] "an annular spacer member" (i.e. centering hoop 86) "rigidly connected to said annular locator member;" (i.e. trolley cage 58) [See figure 4 col. 2 line 18 through col. 8 line 57; and the abstract] "and a pair of support rods" [See **either** lower support rods 80 of figures 3 and 4; with col. 4 line 27-64; col. 6 lines 31-52; **or** the rectangular shaped key or guide member rods 91 ]; which are "carried by said front mounting member, (i.e. coupler 52, which enable the entire trolley cage to move) "said locator member" (i.e. trolley cage 58) "and said spacer member" (i.e. centering hoop component 86) [See figures 1, 3 and 4 in combination].

23. With respect to **Claim 11**, **Mastandrea, Jr. et al.**, shows that "said pair of support rods [See lower rods 80 of figures 3 and 4; col. 4 line 27-64; col. 6 lines 31-52]; "comprises a pair of cylindrical rods" [See figures 3 and 4]. The same reasons for rejection, that apply to **claim 10** also apply to **claim 11** and need not be reiterated.

24. With respect to **Claim 12**, **Mastandrea, Jr. et al.**, teaches and that "said front mounting member" (i.e. the coupler 52) "comprises" at least an upper and lower "front

flange", because the lower projecting or flange portion of coupler 52 is part of the patient couch assembly 44 which selectively couples to or engages with an insert gradient coil assembly 54, to permit the patient couch 44 to drivingly position the insert gradient coil assembly at the isocenter within the bore 12. Additionally the trolley cage 58 contains the upper projecting flange portion of coupler 52 which enables the patient couch 44 to couple to the trolley cage 58 of the insert gradient coil assembly [See component 52 col. 4 lines 1-27; col. line 63 through col. 7 line 15.] Figure 1 and col. 6 line 63 through col. 7 line 15 teaches that coupler 52 is "mountable externally of said bore" and then moved with the patient couch and the insertable gradient coil assembly 54 into the bore 12. [See also figures 1, 3, and 4, and in general col. 2 line 18 through col. 8 line 57.] The same reasons for rejection, that apply to **claim 10** also apply to **claim 12** and need not be reiterated.

25. With respect to **Claim 13, Mastandrea, Jr. et al.**, shows from figures 3, 4, and 1 in combination, and col. 4 line 27-64; col. 6 lines 31-52; that "said pair of support rods" [See either lower rods 80, or key guide member rods 91 of figures 3 and 4; in combination with figure 1 and col. 4 line 27-64; col. 5 lines 22-27; col. 6 lines 31-52]; "is aligned in a horizontal plane passing through said axis. [See figures 1, 3 and 4.] The same reasons for rejection, that apply to **claims 10, and 12** also apply to **claim 13** and need not be reiterated.

26. With respect to **Claim 14, Mastandrea, Jr. et al.**, shows from figures 3, 4, and 1 in combination "a specimen positioning assembly" (patient beam 38 and patient couch 44, along with components 42, 46, 48, 50, and 52) "supported within said positioning assembly" (i.e. insertable gradient coil assembly 54 including insertable gradient coil 56 and trolley cage 58) "on said support rods" [See guide member rods 91 of figures 3 and 4; col. 5 lines 22-27]. The same reasons for rejection, that apply to **claims 10, and 12** also apply to **claim 14** and need not be reiterated.

27. With respect to **Claim 15, Mastandrea, Jr. et al.**, shows from figures 3, and 4, in combination that "a pair of support rails" (i.e. the vertical right and left surfaces of guide member 48 which are constrained within the track 42) "on said specimen positioning assembly" [See figure 2 where "said specimen positioning assembly" comprises

components 38, 42, 44, 46, 48, 50, and component 52 from figure 1; along with col. 3 line 63 through col. 4 line 27]. **Mastandrea, Jr. et al.**, teaches that guide member 48 (i.e. which comprises the right and left hand vertical surfaces, or rails, of guide member 48 which are constrained within the track 42) is slidably engaged with said pair of support rods" (i.e. components 91 of figures 3 and 4) [See col. 4 lines 1-27; col. 5 lines 22-27]. The same reasons for rejection, that apply to **claims 10, 12, and 14** also apply to **claim 14** and need not be reiterated.

28. With respect to **Claim 16**, **Mastandrea, Jr. et al.**, shows and teaches "A positioning system for positioning a specimen in a predetermined position within an imaging machine", [See abstract] "said positioning system comprising: a first pair of support members" (i.e. guide key member 48 with track 42; or flange 43a and 43b of patient support beam 38) which are each, "insertable within said imaging machine," as per figure 1 and col. 2 line 18 through col. 8 line 57.] "a specimen positioning assembly" (i.e. insertable gradient coil assembly 54) "comprising a specimen retention device" (i.e. insertable gradient coil assembly 56, and trolley cage 58) "and a second pair of support members," (i.e. key guide members 91, which connect to track 42; or latching mechanism 92 which connects to flanges 43A and B) "and a sliding interconnection provided between said first and second pairs of support members". [See col. 4 lines 1-47 through col. 5 lines 12-37; col. 7 line 666 through col. 8 line 6; and in general col. 2 line 18 through col. 8 line 57.]

29. With respect to **Claim 17**, **Mastandrea, Jr. et al.**, shows and teaches that "said sliding interconnection comprises a pair of rods" (i.e. there are two components 91) "and a pair of grooved rails" (i.e. track 48 and component 42 define a grooved rail, and because two separate components identified as 91, rely simultaneously on the combination of grooved rail 48 with track 42, there are two corresponding but distinct grooved rails present in the **Mastandrea, Jr. et al.**, configuration. The same reasons for rejection, that apply to **claim 16** also apply to **claim 17** and need not be reiterated.

30. With respect to **Claim 18**, **Mastandrea, Jr. et al.**, shows and teaches that "said sliding interconnection comprises a self-centering interconnection" because when components 92 and 43a / 43b only interlock when the gradient coil assembly is at the

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isocenter of the imaging bore; alternatively components 91 which interconnects with key member 48 on track member 42 also centers the gradient coil assembly along the z axis, so the device configuration is intrinsically achieves a coarse self-centering alignment. [See abstract, figures 1-6 col. 2 line 18 through col. 8 line 57.] The same reasons for rejection, that apply to **claim 16** also apply to **claim 18** and need not be reiterated.

31. With respect to **Claim 19, Mastandrea, Jr. et al.**, shows and teaches "a mounting member" (i.e. patient beam 38) "fixed to said imaging machine", "and wherein said first pair of support members" (track or groove 42, and key member 48 of the patient couch 44) "is connected to said mounting member", [See col. 3 line 51 through col. 4 line 27] "and wherein said specimen positioning assembly" (i.e. insertable gradient coil assembly 54) "is freely insertable into" / onto "said mounting member and freely removable therefrom". [See abstract; col. 2 line 18 through col. 8 line 57; figures 1 through 6]. The same reasons for rejection, that apply to **claim 16** also apply to **claim 19** and need not be reiterated.

32. With respect to **Claim 20, Mastandrea, Jr. et al.**, shows and teaches that "said specimen positioning assembly comprises an engagement member" (i.e. trolley cage 58) "for limiting insertion of said specimen positioning assembly" (i.e. insertable gradient coil 56) "into said imaging machine." [See abstract, figures 1 through 6; and the text of col. 2 line 18 through col. 8 line 57, as this is the main inventive concept of the **Mastandrea, Jr. et al.**, invention. The same reasons for rejection, that apply to **claim 16** also apply to **claim 20** and need not be reiterated.

33. With respect to **Claim 21, Mastandrea, Jr. et al.**, shows and teaches "A method of positioning a specimen in an imaging apparatus, comprising: mounting a positioning assembly on said imaging apparatus; constraining a specimen in a specimen holding assembly; mounting said specimen holding assembly on said positioning assembly; and abutting a positioning surface on said specimen holding assembly with a positioning surface on said positioning assembly." [See abstract, figures 1 through 6; and the text of col. 2 line 18 through col. 8 line 57, as these combined method steps are a main inventive concept of the entire **Mastandrea, Jr. et al.**, invention:]

**Mastandrea, Jr. et al., second interpretation**

34. The following rejections are provided as examples of a second completely different interpretation of the same **Mastandrea, Jr. et al.**, patent also meets the applicant's **claims 1-4** due to applicant's 'excessively broad claim terminology'.

35. With respect to **Claim 1, Mastandrea, Jr. et al.**, teaches and shows "A positioning assembly" (i.e. a trolley cage 58 which selectively positions an insert gradient coil 56 along a patient beam 38 of a magnetic resonance apparatus) "for use with a magnetic imaging magnet having a magnet bore", [See abstract, figures 1-6; col. 1 line 4 through col. 8 line 56.] "comprising: a first mounting member (i.e. patient beam 38 which is secured to patient table 36) mountable relative to the magnetic imaging magnet" [See col. 3 line 42 through col. 4 line 37.] "in a fixed position;" [See col. 3 lines 54-55.] "a locator member" (i.e. patient couch 44) "rigidly spaced" (i.e. slidably secured to the patient beam 38. See col. 4 lines 1-9) "a predetermined ~~ing~~ distance from said mounting member" (i.e. patient beam 38), the examiner notes that locator member (i.e. patient couch 44 is shown in figure 1 as being located at a "predetermined distance from said mounting member" (i.e. patient beam 38.) Additionally, **Mastandrea, Jr. et al.**, teaches and shows that the patient couch component 44 is "insertable within said magnet bore;" [See col. 4 lines 1-27.] "a spacer member" (i.e. base portion 46, which is shown in figure 1 as being "rigidly spaced a predetermined distance from said mounting member" (i.e. patient beam 38 and said locator member (i.e. patient couch component 44)) **[and] which is also** insertable within said bore", [See col. 3 line 31 through col. 4 line 17; col. 6 line 53 through col. 8 line 56] "said spacer member" (i.e. base portion 46) "having a keyed surface portion;" [See col. 4 lines 2-8; col. 5 lines 22-27] "and a second mounting member (i.e. centering hoops 86 which include a guide member or key component 91 which extend downward into the track 42) "having a keyed surface portion engageable with said keyed surface portion of said spacer member" [See col. 4 lines 1-47; col. 5 lines 12-37.]

36. With respect to **Claim 2, Mastandrea, Jr. et al.**, teaches and shows that "said first mounting member" (patient beam 38) "comprises a flange mountable to an external surface portion of said magnet" [See col. 3 lines 51-67 and col. 7 line 67 through col. 8

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line 6) "and a plug portion" (i.e. the latching mechanisms 92, 120 and latches 98, 124 functionally 'catch' / "plug" and lockingly engage the patient beam 38, whole body RF coil 32, whole body gradient coil 30, the main magnetic field coils 10, or the trolley cage 58, which is "insertable within said magnet bore" [See abstract, figures 1 through 6 col. 2 line 18 through col. 8 line 56.] The same reasons for rejection, that apply to **claim 1** also apply to **claim 2** and need not be reiterated.

37. With respect to **Claim 3, Mastandrea, Jr. et al.**, teaches and shows that "said locator member" (i.e. the patient couch 44) "comprises an abutment surface portion" (i.e. coupler 52) for engaging a gradient coil". [See figure 1, and col. 4 lines 1-47]. The same reasons for rejection, that apply to **claim 1** also apply to **claim 3** and need not be reiterated.

38. With respect to **Claim 4, Mastandrea, Jr. et al.**, shows from figures 1 and figure 2, that "said spacer member" (i.e. base portion 46 which comprise key member component 48, track component 42 and connect to the rectangular plate-like coupler 52, as shown in figure 1) also "comprises a plate"-like structure (i.e. coupler 52 or trolley cage 58) that is "insertable within a gradient coil" (i.e. the examiner notes that gradient coil assembly 54 comprises insert gradient coil 56 and trolley cage 58 which lie on / in track component 42 via component 48) The examiner notes that in col. 6 lines 51-52 the trolley cage is also described as a solid constraining cover, and that a solid constraining cover is a type of "plate". Additionally coupler component 52 is shown to be a planar or plate-like component in figure 1. [See also col. 4 lines 1-47.] The same reasons for rejection, that apply to **claim 1** also apply to **claim 4** and need not be reiterated.

### Conclusion

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Fetzner whose telephone number is: (571) 272-2241. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm., and on alternate Friday's from 7:00am to 3:30pm.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached at (571) 272-2245. The **only official fax**

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**phone number** for the organization where this application or proceeding is assigned is **(571) 273-8300**.

41. Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAF

April 16, 2006



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